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## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** Jennifer Steingasser, Deputy Director *JLS*  
**DATE:** September 5, 2014  
**SUBJECT:** Setdown Report for a Proposed Text and Map Amendment (ZC 14-16)  
Create a New C-2-B-1 Zone  
Map C-2-B-1 at New York Avenue and Bladensburg Road

This report serves as the Pre-hearing Filing required by 11 DCMR §3013 as a prerequisite to the advertisement of the proposed text and map amendments.

### **I. BACKGROUND AND SUMMARY RECOMMENDATION**

Recent changes to the Building Code have made it possible to construct taller buildings with a wood frame on top of a concrete pedestal. Previously buildings were limited to a one story concrete base with four stories of wood frame construction on top – colloquially termed “1+4”. Now the building code permits “1+5” – a one story concrete base with five stories of wood frame construction above, and reaching heights of 75 feet or more. In order to accommodate the new construction type, the Office of Planning (OP) proposes a new zone, C-2-B-1, that would allow 75 feet of height as a matter-of-right, but maintain FARs at the same level as the C-2-B zone. In all respects but height the new zone would be identical to C-2-B.

In addition to the text amendment, OP proposes to map the new zone on a parcel of land roughly bound by the triangle of New York Avenue, Montana Avenue and Bladensburg Road. The height permitted under the new zone would facilitate development of this site that has long been an underutilized gateway into the city and has been the subject of past failed development proposals. The proposed zone is not inconsistent with the mixed use Medium Density Residential and Moderate Density Commercial designation on the Comprehensive Plan’s Future Land Use Map, and Plan policies support that site’s redevelopment. The Office of Planning, therefore, recommends that the Zoning Commission set down for a public hearing the proposed text and map amendments.

### **II. APPLICATION-IN-BRIEF**

<b>Proposed Text Amendment</b>	Create a new zone, C-2-B-1, that would have most of the same parameters as the C-2-B zone, but would allow 75’ tall buildings as a matter-of-right
<b>Proposed Map Amendment</b>	A zoning map amendment to C-2-B-1 for a parcel of land located in the triangle formed by New York Avenue, Bladensburg Road and Montana Avenue, See Attachment 1 for a map and list of the subject properties

<b>Comprehensive Plan Future Land Use Map Designation</b>	Medium Density Residential and Moderate Density Commercial
<b>Property Size</b>	697,873 square feet (16 acres)
<b>Current Zoning</b>	C-M-1
<b>Ward and ANC</b>	Ward 5, ANC 5C

### III. CHANGE IN THE BUILDING CODE

In January 2009 a new provision in the Building Code came into effect that allowed taller stick-built structures on a concrete base. Previously, buildings were permitted to have a one-story base with four stories built above. The new building code language allows a one-story base with five stories above. An example of a building built pursuant to this rule is the new Giant building at 300 H Street, NE (ZC #06-01B, Steuart H Street), which has a total of six stories, including a one-story concrete base, and a total height of 75 feet. (The Building Code allows these structures to be up to 85 feet tall if equipped with sprinklers.) Another example is the Douglas Development project at 2221 14<sup>th</sup> Street, NW (BZA #18157) with six stories and a 75 foot height.

### IV. PROPOSED TEXT AMENDMENT

The Office of Planning proposes a new zone, to be called C-2-B-1, which would be identical in all respects to the C-2-B zone, except that instead of 65 feet, the matter-of-right height limit in the zone would be 75 feet. The additional matter-of-right height would allow property owners to take advantage of changes in the building code. And when compared to the matter-of-right C-2-B building envelope, the proposed zone could have more slender buildings with greater light and air available to on-site units as well as nearby properties. If the application is set down, OP will work with the Office of the Attorney General to prepare text for the new zone, including edits to Chapter 7, Commercial Districts, and Chapter 26, Inclusionary Zoning (IZ), among others. See below for an outline of the proposed IZ requirements. The following table compares the C-2-B-1 zone to other existing zones.

	C-2-A	C-2-B	C-2-B-1	C-2-C	C-3-A
<b>Matter-of-Right Height</b>	50'	65'	<b>75'</b>	90'	65'
<b>Matter-of Right FAR</b>	2.5 res. 1.5 non-res. 2.5 max	3.5 res. 1.5 non-res. 3.5 max	<b>3.5 res. 1.5 non-res. 3.5 max</b>	6.0 res. 2.0 non-res. 6.0 max	4.0 res. 2.5 non-res. 4.0 max
<b>PUD Height</b>	65'	90'	<b>90'</b>	90'	90'
<b>PUD FAR</b>	3.0 res. 2.0 non-res. 3.0 max	6.0 res. 2.0 non-res. 6.0 max	<b>6.0 res. 2.0 non-res. 6.0 max</b>	6.0 res. 2.5 non-res. 6.0 max	4.5 res. 3.0 non-res. 4.5 max
<b>Res. Lot Occupancy</b>	60%	80%	<b>80%</b>	80%	75%

### **Inclusionary Zoning**

In the C-2-B-1 zone, OP proposes the same 20% bonus in floor-area ratio (FAR) which would yield an FAR of 4.2, just as in C-2-B. The height allowed under the IZ regulations in C-2-B is 70 feet and in the C-2-B-1 zone OP proposes it remain at 75 feet.

## **V. PROPOSED MAP AMENDMENT SITE AND AREA DESCRIPTION**

Douglas Development, the contract purchaser of the majority of the area located in the triangle formed by New York Avenue, Montana Avenue and Bladensburg Road (the property) has been discussing potential development scenarios for the site with OP. OP acknowledges it is unusual to propose both a new zone and its mapping on private land within the same petition. However, because the new zone is directly applicable to the site, the Comprehensive Plan was changed to reflect mixed use development of the site, and the site has been through a PUD for much taller buildings with more density, and then a matter of right proposal for less density with no residential, OP felt it was not inappropriate to include the mapping as consistent with the Comprehensive Plan.

The property is currently zoned C-M-1, an Industrial district for commercial-light manufacturing. The 2006 Comprehensive Plan Future Land Use Map changed the land use designation from industrial to mixed use moderate density commercial/medium density residential to facilitate the development of this site to non-industrial uses. The Generalized Policy Map identifies the site as a Land Use Change Area.

The initial redevelopment proposal was brought forward as a planned unit development (PUD) with a related map amendment to CR in case #06-15. The PUD was approved for a development of almost 3.5 million square feet of mixed use space in eight 110 foot-tall buildings. That PUD was approved by an Order dated February 12, 2007, which has since expired.

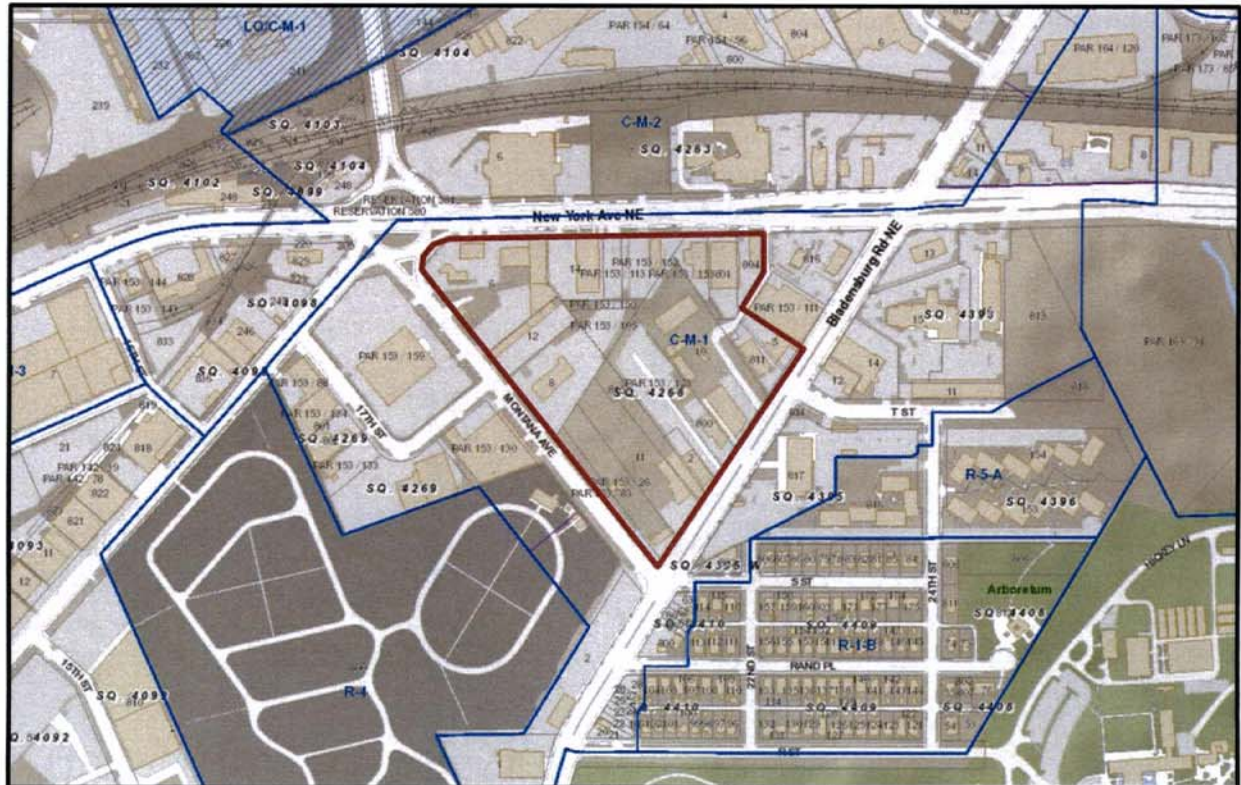
In more recent years the tract was proposed to be redeveloped as a matter of right for large format retail (aka "big-box") development. The large format retail was subject to a Large Tract Review. The large format retail proposal did not propose to make use of the mixed use designation of the Comp Plan and proposed solely commercial uses and a large above grade parking structure within the parameters of the C-M-1 zone.

In the past the site was used primarily for auto-related uses, but all lots are currently vacant and the site has been cleared and graded. The site slopes down approximately 40 feet from south to north. Within the New York / Montana / Bladensburg triangle, the only lots not subject to the application would be the KFC/Taco Bell lot at the corner of New York and Bladensburg, and the adjacent charter school property on Bladensburg.

Nearby properties to the west, south and east are also zoned C-M-1. To the southeast, the neighborhood next to the National Arboretum is zoned R-1-B and R-5-A. The land across New York Avenue is zoned C-M-2, and properties further to the east on New York Avenue are zoned



M. Mt. Olivet Cemetery, to the southwest, is zoned R-4. Across New York Avenue from the northeast corner of the property is the Salvation Army PUD (ZC Order No. 44), which has C-3-A zoning associated with it to allow 4.5 FAR and 90 feet.



Current Zoning (subject site outlined in red)

## Existing and Potential Development Capacity

The existing C-M-1 zoning permits a range of uses including office, retail, service and light industrial, but does not permit residential uses. The C-2-B-1 zone, like other commercial zones, would allow a mix of uses and, like most C zones, incentivize residential uses by allowing a greater residential FAR. Based on the total site area of 697,873 square feet, the existing zoning would allow about 2.1 million square feet of development. The C-2-B-1 zone would allow 2.4 million square feet if its FAR was maximized. A comparison of the matter-of-right height and bulk regulations of the two zones is contained in the table below.

	C-M-1 MOR	C-2-B-1 MOR
Height	40', 3 stories	75'
FAR	3.0 max 0.0 res. allowed	3.5 max 1.5 non-res. max.
Potential Floor Area on Subject Site	2.09 million sf	2.44 million sf



	<b>C-M-1 MOR</b>	<b>C-2-B-1 MOR</b>
Uses	Commercial and light industrial	Residential and commercial
Lot Occupancy	No limit	60%
Side Yard	Not required	Not required
Rear Yard	Not req'd below 20' of ht.	15'



2013 Aerial Photo

## VI. COMPREHENSIVE PLAN POLICIES

The proposal would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

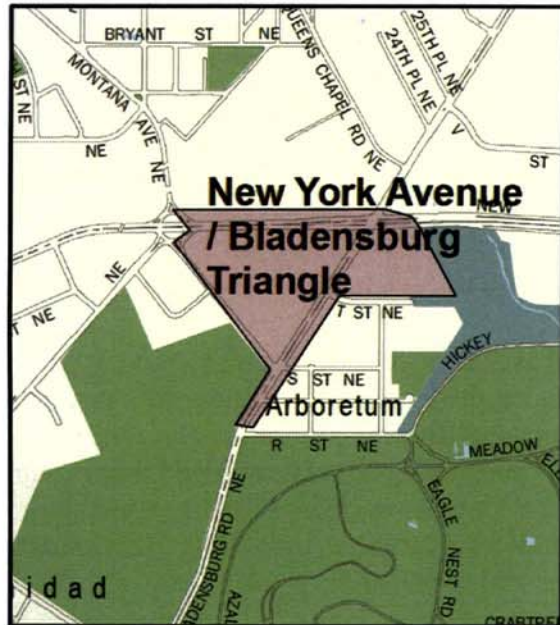
- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. (§ 217.1)

- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. (§ 217.6)
- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. (§ 217.7)
- (13) Enhanced public safety is one of the District's highest priorities and is vital to the health of our neighborhoods. The District must continue to improve safety and security, and sustain a high level of emergency police, fire, and medical assistance. Moreover, the District must engage in appropriate planning and capital investments to reduce the likelihood and severity of future emergencies. (§ 218.6)
- (21) Land development policies should be focused to create job opportunities for District residents. This means that sufficient land should be planned and zoned for new job centers in areas with high unemployment and under-employment. A mix of employment opportunities to meet the needs of residents with varied job skills should be provided. (§ 219.6)
- (24) Despite the recent economic resurgence in the city, the District has yet to reach its full economic potential. Expanding the economy means increasing shopping and services for many District neighborhoods, bringing tourists beyond the National Mall and into the city's business districts, and creating more opportunities for local entrepreneurs and small businesses. The District's economic development expenditures should help support local businesses and provide economic benefits to the community. (§ 219.9)
- (27) Washington's wide avenues are a lasting legacy of the 1791 L'Enfant Plan and are still one of the city's most distinctive features. The "great streets" of the city should be reinforced as an element of Washington's design through transportation, streetscape, and economic development programs. (§ 220.3)

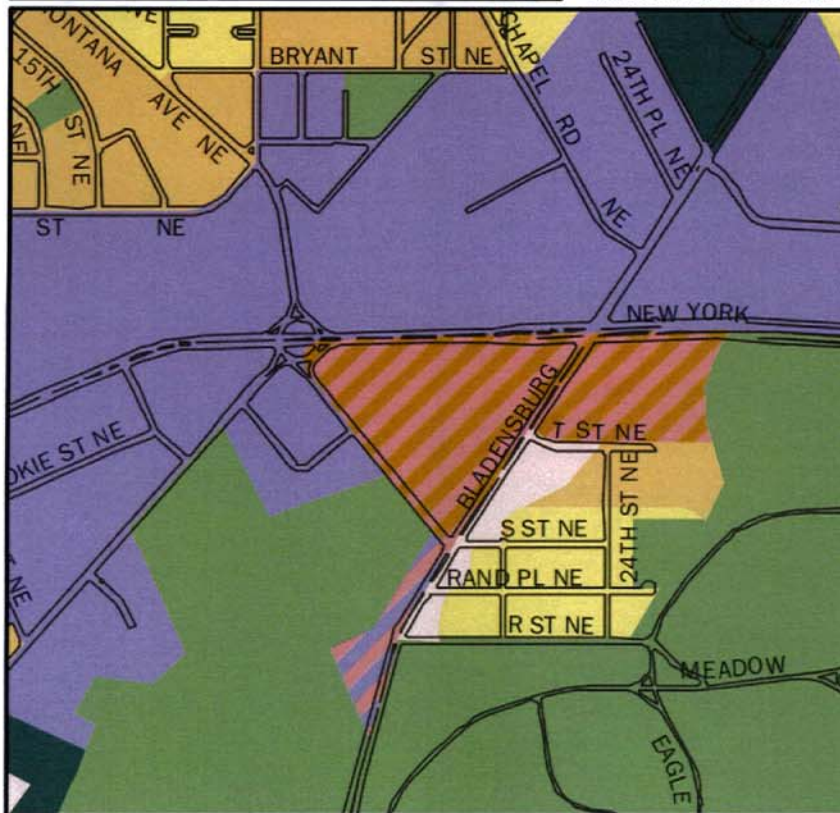
The application is also consistent with major policies from the Land Use, Transportation, Housing, Economic Development, Urban Design and Upper Northeast elements of the Plan. Please refer to Attachment 1 for a summary of applicable policies from those elements of the Plan.



## VII. COMPREHENSIVE PLAN LAND USE MAPS



The Comprehensive Plan's Generalized Policy Map describes the subject site as a Land Use Change Area. Guidance for the future use should be obtained from the Future Land Use Map. (Comprehensive Plan, § 223.9) Land Use Change Areas "include many of the city's large development opportunity sites, and other smaller sites that are undergoing redevelopment or that are anticipated to undergo redevelopment. Together, they represent much of the city's supply of vacant and underutilized land." (§ 223.10) The Plan goes on to say that new development should be encouraged and facilitated in these areas, and that many Land Use Change Areas "have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities." (§ 223.11)



LEGEND	
<i>Residential Land Use Categories</i>	
	Low Density
	Moderate Density
	Medium Density
	High Density
<i>Commercial Land Use Categories</i>	
	Low Density
	Moderate Density
	Medium Density
	High Density
	Production, Dist. and Repair
<i>Public and Institutional Land Use Categories</i>	
	Federal
	Local Public Facilities
	Institutional
	Parks, Rec. and Open Space

commercial mixed use development. Medium density residential is "used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use... The R-5-B and R-5-C Zone districts are generally consistent with the Medium Density

The Future Land Use Map (FLUM) indicates that the site is appropriate for medium density residential and moderate density

designation, although other zones may apply.” (§ 225.5) Moderate density commercial areas “range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height. The corresponding Zone districts are generally C-2-A, C-2-B, and C-3-A, although other districts may apply” (§ 225.9). The proposed zoning map amendment would allow heights of six or possibly seven stories, but with a moderate to medium C-2-B density. It is therefore not inconsistent with the Comprehensive Plan map designations.

## **VIII. WARD 5 INDUSTRIAL LAND TRANSFORMATION STUDY**

Last month the Mayor released the Ward 5 Industrial Land Transformation Study (ILTS), which examined industrially zoned land in order to make recommendations about how that resource should be best utilized in the future. The study concluded that most industrially zoned land should continue to serve industrial or industrial-related purposes, but acknowledged that certain sites, including the New York / Montana / Bladensburg triangle, are best suited to a change to other uses. The study notes that the subject site is planned for a mix of uses (ILTS, p. 123) and states that this area should serve as a gateway to Ward 5 and the District (p. 54).

## **IX. ATTACHMENTS**

1. Subject Properties and Vicinity Map
2. Comprehensive Plan Policies

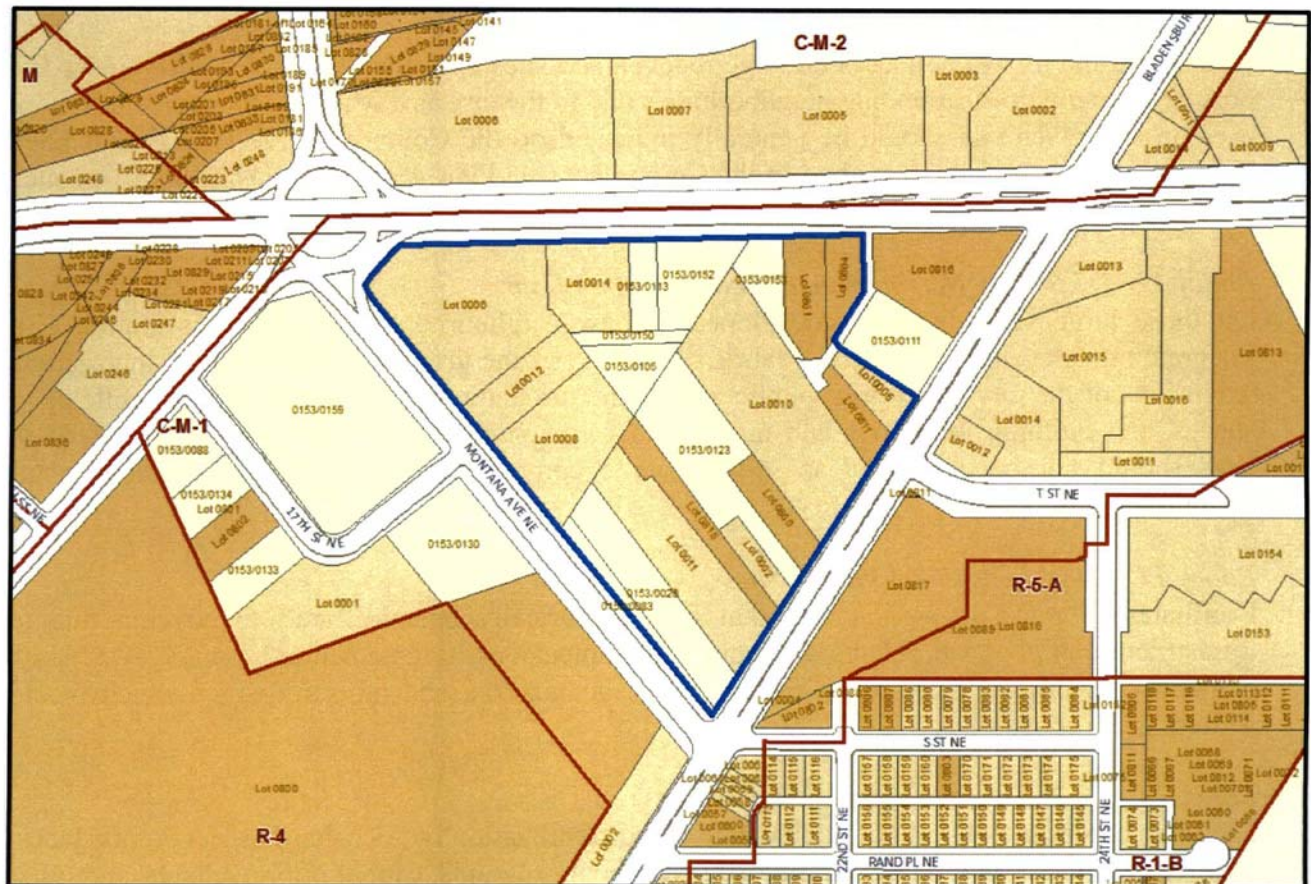
JS/mrj



### Attachment 1 Subject Properties and Vicinity Map

Square 4268, Lots 2, 5, 6, 8, 10, 11, 12, 14, 800, 801, 804, 811, and 815

Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153



## **Attachment 2 Comprehensive Plan Policies**

The following policies support the proposed text and map amendments

### ***Land Use Element***

#### ***Policy LU-1 2 2 Mix of Uses on Large Sites***

Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. Zoning on such sites should be compatible with adjacent uses 305 7

#### ***Policy LU-1 2 6 New Neighborhoods and the Urban Fabric***

On those large sites that are redeveloped as new neighborhoods (such as Reservation 13), integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings. 305.11

#### ***Policy LU-1 4 2 Long-Term Vacant Sites***

Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints 307 6

#### ***Policy LU-2 1 2 Neighborhood Revitalization***

Facilitate orderly neighborhood revitalization and stabilization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need 309 7

#### ***Policy LU-3 1 2 Redevelopment of Obsolete Industrial Uses***

Encourage the redevelopment of outmoded and non-productive industrial sites, such as vacant warehouses and open storage yards, with higher value production, distribution, and repair uses and other activities which support the core sectors of the District economy (federal government, hospitality, higher education, etc ). 314 8



## ***Transportation Element***

### ***T-1 1 Land Use—Transportation Coordination***

.. The balance between housing and jobs plays a clear role in travel patterns. In general, the demands on our transportation system are reduced when homes are located close to places of employment and shopping. People spend less time traveling and overall quality of life may be improved 403 1

Although the District has already developed walkable, transit-oriented neighborhoods, future opportunities will arise to strengthen the linkage between land use and transportation as new development takes place. Design features play an important role in this equation. Residential communities should be developed so that services such as shopping are accessible on foot, transit, or bicycle and not just by car 403 2

### ***Policy T-1 2 1 Boulevard Improvements***

Continue to work across District agencies to beautify and stabilize selected boulevards by implementing coordinated transportation, economic development, and urban design improvements. 404 6

## ***Housing Element***

### ***Policy H-1 2 1 Affordable Housing Production as a Civic Priority***

Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city 504.6

### ***Policy H-1 2 7 Density Bonuses for Affordable Housing***

Provide zoning incentives to developers proposing to build low- and moderate-income housing... 504 14

## ***Environmental Protection Element***

### ***Policy E-5 3 1 Brownfield Remediation***

Clean up and redevelop contaminated “brownfield” sites, providing new business and job opportunities and expanding land resources for economic development, open space, and other purposes. Provide financial incentives for the remediation and redevelopment of these sites. 629 3

## ***Economic Development Element***

### ***ED-3 1 Strengthening Neighborhood Commercial Centers***

Part of growing an inclusive city involves improving access to basic goods and services for residents in all parts of the city. Currently, some areas of the District lack basic amenities such as grocery stores, hardware stores, drug stores, and dry cleaners. In other parts of the city, these

services exist but they are poorly sited and do not provide the sense of community identity that they could 713 1

**Policy ED-3.1.1. Neighborhood Commercial Vitality**

Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents 713.5

***Urban Design Element***

***Policy UD-1.1.1 National Image***

Strengthen and enhance the physical image, character and outstanding physical qualities of the District, its neighborhoods, and its open spaces, in a manner that reflects its role as the national capital 903 6

***Policy UD-1.4.1 Avenues/Boulevards and Urban Form***

Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city 906.6

***Policy UD-1.4.2 City Gateways***

Create more distinctive and memorable gateways at points of entry to the city, and points of entry to individual neighborhoods and neighborhood centers. Gateways should provide a sense of transition and arrival, and should be designed to make a strong and positive visual impact. 906 8

***Upper Northeast Area Element***

***Policy UNE-1.1.8. Untapped Economic Development Potential***

Recognize the significant potential of the area's commercially and industrially-zoned lands, particularly along the New York Avenue corridor, V Street NE, and Bladensburg Road, and around the Capital City Market, to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing M and CM-1 zones are expected to remain for the foreseeable future 2408.9

***UNE-2.3 New York Avenue Corridor/Brentwood***

The [New York Avenue] corridor faces land use, transportation, and urban design challenges. Some of the industrial uses are considered obsolete by today's market standards and are being considered for new uses such as retail development. . 2413 2



*Policy UNE-2 3.1 New York Avenue Corridor*

Improve the appearance of New York Avenue as a gateway to the District of Columbia. Support road design changes, streetscape improvements, and new land uses that improve traffic flow and enhance the road's operation as a multi-modal corridor that meets both regional and local needs. 2413.5

*Policy UNE-2 3 2· Production, Distribution, and Repair Land Uses*

Retain a significant concentration of production, distribution, and repair (PDR) land uses in the New York Avenue corridor. While the conversion of industrial land to other uses can be considered on key sites, including the Bladensburg/Montana/New York "triangle," these changes should not diminish the area's ability to function as an industrial district meeting the needs of government and District businesses and residents. Retail and office uses have existed historically along both sides of V Street between Bladensburg Road and South Dakota Avenue NE and should continue in accordance with the existing CM- and M- zoning. 2413.6

*Policy UNE-2 3 3· Infill Development*

Support infill development and redevelopment on underutilized commercial sites along New York Avenue. Particularly encourage large-format destination retail development that would provide better access to goods and services for residents, and sales tax dollars for the District. 2413.7